

## **REMARKS**

### **I. Status of the Claims**

With the entry of this amendment, claims 1, 2, 4-8, 11-17 are pending in the present application. Claims 1 and 11 are amended, support for which can be found at least on paragraph [0115] of the published application US 2004/0230602 A1.

### **II. Claim Rejections under 35 U.S.C. § 103(a):**

A. In the Office Action, claims 1-2 and 11-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication No. 2006/0059107 to Elmore et al. in view of U.S. Publication No. 2004/0039964 to Russell et al. This rejection is respectfully traversed.

Applicants submit that the combination of Elmore et al. and Russell et al. fail to render obvious a method or apparatus for presenting data and functions to a user via a presentation layer, for use in a distributed processing system to effect an interface between a business layer and the presentation layer, as presently claimed. The Examiner is reminded that pursuant to MPEP, 8<sup>th</sup> Ed., 7<sup>th</sup> Rev. § 2142, to establish a prima facie case of obviousness, and thus sustain the rejection of a claim under 35 U.S.C. § 103(a), there must be a clear articulation of the reasons why Applicants' claimed invention would have been obvious. *KSR International Co. v. Teleflex Inc.*, 550 U.S. 398 (2007). The Supreme Court in *KSR* has further noted that an analysis supporting a rejection under 35 U.S.C. § 103(a) should be made explicit. Therefore, it is clear that an obviousness rejection "cannot be sustained with mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *In re Kahn*, 441 F.3d 977 (Fed. Cir. 2006). Moreover, "[t]o support the conclusion that the claimed invention is directed to obvious subject matter, either the

references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.” MPEP, 8<sup>th</sup> Ed. 7<sup>th</sup> Rev. § 706.02(j).

Specifically, Elmore et al. fails to disclose “creating and populating a business layer data set in said business layer using said data set structure as required by the business layer” as recited in amended independent claims 1 and 11. This is because Elmore et al. simply discloses “a business layer 101 including Smart Components 104 which employs the Enterprise JavaBeans (EJB) technology to encapsulate all the core functionality needed to complete communications specific business transactions”. See at least paragraphs [0036] and [0047] of Elmore et al. So, this Smart Components 104 of Elmore is simply part of the data structure of the business layer 101. Clearly, there is no creating and populating of the data in the business layer of Elmore et al. using a data set structure as required by the business layer.

Additionally, Elmore also fails to disclose “populating a presentation layer data set in said presentation layer with said deserialized beans as required by the presentation layer” as recited in amended independent claims 1 and 11. This is because Elmore et al. simply discloses components of the presentation layer 103 accessing the business functionality contained in the Smart Components 104 of the business layer 101. See at least paragraph [0038] of Elmore et al. Clearly, there is no teaching or suggestion in Elmore et al. of populating the data in the presentation layer as required by the presentation layer let alone populating with the deserialized beans.

Further, as admitted by the Examiner, Elmore et al. fails to describe “the further limitations of instantiating the business layer data set in said business layer as beans; serializing

the beans in to XML; transporting the serialized beans to the presentation layer using Simple Object Access Protocol (SOAP); and deserializing the serialized beans in the presentation layer.” Office Action at page 4. Russell et al. is relied upon by the Examiner solely because they purportedly describe these further limitations. However, Applicants submit that Russell et al. does not disclose creating and populating of the data in the business layer using a data set structure as required by the business layer and populating the data in the presentation layer as required by the presentation layer. Therefore Russell et al. fail to cure the deficiencies of Elmore et al.

Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. § 103(a) over Elmore et al. in view of Russell et al. be removed.

**B.** Claims 4-8 and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Elmore et al. in view of Russell et al. and further in view of U.S. Publication No. 2004/0230559 to Newman et al.

This rejection is respectfully traversed. Applicants submit that the combination of Elmore et al., Russell et al. and Newman et al. fail to render obvious a method or apparatus for presenting data and functions to a user via a presentation layer, for use in a distributed processing system to effect an interface between a business layer and the presentation layer, as presently claimed.

For the reasons discussed *supra*, Applicants submit that Elmore et al. and Russell et al. do not disclose the recited limitation of creating and populating of the data in the business layer using a data set structure as required by the business layer and populating the data in the presentation layer as required by the presentation layer.

Applicants further submit that Newman et al. is relied upon by the Examiner solely for purportedly disclosing “multi-layer architecture, including the further limitation where defining a plurality of data items comprises defining a domain for each of said plurality of data items, the domain corresponding to the data type of a data item”, with respect to claims 4-8, and for purportedly disclosing a tree structure providing the same with respect to claim 17. See Office Action at pages 7-9 and 9-10, respectively. However, Applicants submit that Newman et al. do not disclose creating and populating of the data in the business layer using a data set structure as required by the business layer and populating the data in the presentation layer as required by the presentation layer. Therefore Newman et al. fail to cure the deficiencies of Elmore et al. and Russell et al.

Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. § 103(a) over Elmore et al. in view of Russell et al. and further in view of Newman et al. be removed.

### **CONCLUSION**

In view of the amendment and remarks above, Applicants submit that the application including claims 1, 2, 4-8, 11-17 are allowable and respectfully request consideration and favorable action. Applicants' agent may be reached at the telephone number give below. All correspondences should continue to be directed to the address listed below.

Respectfully submitted,

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